UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,046	12/29/2000	John Elmore Schier	062891.0489	9011

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EXAMINER
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ART UNIT	PAPER NUMBER
2131	5

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10-19 and 25-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-19 and 25-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1.   Applicant's election without traverse of claims 10-19 and 25-37 in Paper No. 4 is

acknowledged.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3.   Claims 10-12,14-19,25-29, and 31-33 are rejected under 35 U.S.C. 102(a) as

being anticipated by Ketcham.

As per claims 10,25, and 31, it is disclosed by Ketcham of a method and

apparatus (system) for providing an authenticated (electrical/email) communication

channel (col. 3, lines 13-15). A communication request is initiated at a remote terminal

to establish (process) a communication channel with a network server (col. 3, lines 50-

53). An authentication card (input device) is placed into the remote terminal and the

mobile subscriber identifier and corresponding authentication (identification) key is

extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The

information is then authenticated (validated) based on the authentication (identification)

key and information exchanges (electronic/email communication) is then permitted (col.
4, lines 7-15).

As per claims 11 and 32, Ketcham teaches of an authentication card (input
device comprising a portion of memory) is placed into the remote terminal and the
mobile subscriber identifier and corresponding authentication (identification) key is
extracted (retrieved) from the authentication card (input device comprising a portion of
memory)(col. 3, line 65 through col. 4, line 4). The information is then authenticated
(comparison to determine if the input valid) based on the authentication (identification)
key (col. 4, lines 7-11).

As per claims 12 and 33, Ketcham recites of a communication request is initiated
at a remote terminal to establish (process) a communication channel with a network
server (col. 3, lines 50-53). An authentication card (input device) is placed into the
remote terminal and the mobile subscriber identifier and corresponding authentication
(identification) key is extracted from the authentication card (col. 3, line 65 through col.
4, line 4). The information is then authenticated (comparison to determine if the input
verified) based on the authentication (identification) key (col. 4, lines 7-11). Figure 1
shows the authentication card (input device) connected to the terminal device by means
of a port.

As per claim 14, Ketcham recites of a communication request is initiated at a
remote terminal to establish (process) a communication channel with a network server
(col. 3, lines 50-53). An authentication card (input device) is placed into the remote
terminal and the mobile subscriber identifier and corresponding authentication

(identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (validated) based on the authentication (identification) key and information exchanges (electronic/email communication) is then permitted (col. 4, lines 7-15). It is inherent that the it is determined if the request originated from the authentication card (input device) since the user, located at the remote terminal by using the authentication card (input device), needs to be authenticated prior to permitting access (col. 2, lines 51-55 and col. 3, line 63 through col. 4, line 11).

As per claim 15, Ketcham teaches of an authentication card (input device comprising memory) is placed into the remote terminal and corresponding authentication (identification) key is extracted (retrieved) from the authentication card (input device comprising memory)(col. 3, line 65 through col. 4, line 4).

As per claims 16 and 17, Ketcham recites of a communication request is initiated at a remote terminal to establish (process) a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (validated) based on the authentication (identification) key and information exchanges (electronic communication) is then permitted (col. 4, lines 7-15). It is inherent that function buttons are displayed to the user by means of the (user) interface in order to present an environment to a user that

displays programs, files, icons (one or more buttons), menus and various others in order for the user to select and execute them.

As per claim 18, Ketcham discloses of an (user) interface associated with the remote terminal that accepts the authentication card (input device)(col. 3, line 65 through col. 4, line 1 and col. 5, lines 8-11). It in inherent that function buttons are displayed to the user by means of the (user) interface in order to present an environment to a user that displays programs, files, icons (buttons), menus and various others in order for the user to select and execute them.

As per claim 19, Ketcham teaches of generating a data encryption key (encrypted device identifier) for use in (electronic) communications between the remote terminal comprising the authentication card (input device) and network server (col. 3, lines 25-30 and col. 4, lines 28-34).

As per claim 26, Ketcham recites of an authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (validated) based on the authentication (identification) key and information exchanges (electronic communication) is then permitted (col. 4, lines 7-15). It in inherent that function buttons are displayed to the user by means of the (user) interface in order to present an environment to a user that displays programs, files, icons (buttons), menus and various others in order for the user to select and execute them.

As per claim 27, Ketcham discloses of a communication request that is initiated at a remote terminal to establish (process) a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (verified) based on the authentication (identification) key and information exchanges (email) is then permitted (col. 4, lines 7-15).

As per claim 28, Ketcham recites of a communication (email) request is initiated at a remote terminal to establish a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (validated) based on the authentication (identification) key and information exchanges (email) is then permitted (by means of a software function)(col. 4, lines 7-15).

As per claim 29, Ketcham teaches of generating a data encryption key (encrypted device identifier) for use in communications (email) between the remote terminal comprising the authentication card (input device) and network server (col. 3, lines 25-30 and col. 4, lines 28-34).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 13 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ketcham in view of Golan.

The teachings of Ketcham disclose of providing an authenticated (electrical)

communication channel (col. 3, lines 13-15). The teachings are silent in disclosing of

quarantining the email upon determining that the input device is not valid and notifying a

user. It is disclosed by Golan of executing in a secure mode in that every software

component (email) is executed in a secure sandbox (quarantine)(col. 2, lines 19-25).

When it is detected that a downloaded component (email) attempts to commit an action

that breaches security (determined that the input device is not valid), the component's

(email) execution is halted and a warning is issued to the user (col. 4, lines 58-61). It

would have been obvious to a person of ordinary skill in the art at the time of the

invention to have been motivated to protect against malicious code from infecting a

computer system. Golan recites motivation for the use of a secure sandbox

(quarantine) by reciting that software components (email) can be executed in a secure

sandbox (quarantine) and when the software (email) attempts an action that is a breach

of a security policy, execution is halted (col. 2, lines 19-28) as a means of preventing

such actions as information theft and leakage of sensitive data (col. 1, lines 29-34). The

teachings of Ketcham would have benefited from the disclosure of Golan as a means of

prevention of an attack on sensitive data associated with a user.

6.   Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ketcham.

As per claim 34, it is disclosed by Ketcham of an apparatus for providing an

authenticated (electrical) communication channel (col. 3, lines 13-15). A communication

request is initiated at a remote terminal to establish (process) a communication channel

with a network server (col. 3, lines 50-53). An authentication card (input device) is

placed into the remote terminal and the mobile subscriber identifier and corresponding

authentication (identification) key is extracted from the authentication card (col. 3, line

65 through col. 4, line 4). The information is then authenticated (validated) based on

the authentication (identification) key and information exchanges (electronic

communication) is then permitted (col. 4, lines 7-15). The teachings of Ketcham are

silent in disclosing the use of a medium including encoded logic for processing

electronic communications. The examiner hereby takes official notice that the use of a

medium including encoded logic is notoriously well known. The software program

(encoded logic) and necessary hardware (processor and memory) to perform the

necessary tasks are notoriously known to one of skill in the art as an essential part of

computing. It is obvious that the teachings exist in the form of a software program

(encoded logic) and are utilized by the hardware, namely stored in memory and a

processor interprets, processes, and performs the task of providing an authenticated

(electrical) communication channel.

As per claim 35, Ketcham recites of an authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (validated) based on the authentication (identification) key and information exchanges (electronic communication) is then permitted (col. 4, lines 7-15). It in inherent that function buttons are displayed to the user by means of the (user) interface in order to present an environment to a user that displays programs, files, icons (buttons), menus and various others in order for the user to select and execute them.

As per claim 36, Ketcham discloses of a communication request that is initiated at a remote terminal to establish (process) a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (verified) based on the authentication (identification) key and information exchanges (email) is then permitted (col. 4, lines 7-15).

As per claim 37, Ketcham recites of a communication (email) request is initiated at a remote terminal to establish a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The

information is then authenticated (validated) based on the authentication (identification)

key and information exchanges (email) is then permitted (by means of a software

function)(col. 4, lines 7-15).

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Zilberman, U.S. Patent 6,442,692

Gray, U.S. Patent 6,367,017

Gray, U.S. Patent 6,268,788

Gray, U.S. Patent 6,087,955

Rozum, Jr., U.S. Patent 6,069,616

Boebert, U.S. Patent 5,272,754

Lentz, U.S. Patent 5,121,345

Lentz, U.S. Patent 4,975,950

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christopher A. Revak whose telephone number is 703-

305-1843. The examiner can normally be reached on M-Th, 6:30a-4:00p, alt. Fr,

6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on 703-305-9586. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

CR
November 12, 2003